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6 Plaintiff Pro Se
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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 KUANG-BAO P. OU-YOUNG,

CV) Case No. 15 80197 MISC.

LHK
~~HRL~~

14) Plaintiff,) COMPLAINT

15))
16) vs.) DEMAND FOR JURY TRIAL

17)
18)
19 BRUCE IVES, an individual;
20 F. JOSEPH WARIN, an individual,

21)
22 Defendants.)
23)
24)

RECEIVED

JUL 17 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

JURISDICTION AND VENUE

1 1. This action raises questions under the federal criminal statutes against obstruction
2 of justice in 18 U.S.C. §§ 1512(b) and 1512(c). This court has original jurisdiction over these
3 claims pursuant to 28 U.S.C. §§ 1331 and 1343. This court has authority to award the requested
4 declaratory relief under 28 U.S.C. § 2201, the requested injunctive relief under 28 U.S.C. §
5 1343(3), the requested damages under 28 U.S.C. § 1343(3), and legal costs under 42 U.S.C. §
6 1988.

7 2. Venue is proper under 28 U.S.C. § 1391(b)(2) in the northern district of California
8 because a substantial part of the actions giving rise to this case occurred within the district.

INTRADISTRICT ASSIGNMENT

9 3. Pursuant to Civil L.R. 3-2(c), 3-2(e), and 3-5, this is a civil rights case, in a non-
10 excepted category, suitable for assignment to the San Jose division because the civil action arose
11 in Santa Clara County.

PLAINTIFF

12 4. Plaintiff Kuang-Bao P. Ou-Young is a pro se litigant.

DEFENDANTS

13 5. Defendant Bruce Ives is senior vice president and deputy general counsel of the
14 Hewlett-Packard Company (“HP”) for Professional Outreach, Pro Bono and Civic Engagement.
15 Before his current role, Mr. Ives was senior vice president and deputy general counsel for the HP
16 Enterprise Group.

17 6. Defendant F. Joseph Warin is an attorney in private practice.

FACTUAL BACKGROUND

18 7. On February 2, 2010, plaintiff filed a civil case against the United States Postal
19 Service (the “Postal Service”) (Case No. C10-00464RS, “Docket A”).

1 8. On June 10, 2011, district judge Richard Seeborg issued a summary judgment and
2 dismissed case C10-00464RS. Doc. Nos. A53, A54.

3 9. On May 31, 2012, plaintiff filed a civil case against four postal employees (Case
4 No. C12-02789LHK, "Docket B"). Case C12-02789LHK resulted from the postal employees'
5 presentation of false declarations in defense of the Postal Service in case C10-00464RS.

6 10. As defense counsel in case C12-02789LHK, U.S. attorney Melinda Haag and
7 assistant U.S. attorney ("AUSA") James A. Scharf moved to dismiss the case on August 9, 2012.
8 Doc. No. B20.

9 11. District judge Lucy H. Koh dismissed case C12-02789LHK on November 9,
10 2012. Doc. No. B28. Judge Koh denied plaintiff's motion to vacate the judgment dismissing case
11 C12-02789LHK on June 10, 2013. Doc. No. B48.

12 12. Due to denial of the motion to vacate judgment in case C12-02789LHK, plaintiff
13 filed a civil action on September 25, 2013 (Case No. C13-04442EMC, "Docket E").

14 13. As defense counsel in case C13-04442EMC, U.S. attorney Haag and AUSA
15 Claire T. Cormier moved to dismiss the case on November 5, 2013. Doc. No. E24.

16 14. District judge Edward M. Chen dismissed case C13-04442EMC on December 20,
17 2013. With the same order, judge Chen subjected plaintiff's further complaints to "pre-filing
18 review" by the "general duty judge." Doc. No. E40.

19 15. Acting under judge Chen's order dismissing case C13-04442EMC, district judges
20 Ronald M. Whyte, Richard Seeborg, and Jeffery S. White dismissed plaintiff's subsequent
21 complaints before allowing plaintiff to file (Case Nos. C14-80017RMW, C14-80018RS, and
22 C14-80028JSW). These rulings were rendered solely to deny plaintiff procedural due process.
23 As a result, plaintiff submitted his second petition for impeachment against named judges to
24 members of the House Judicial Committee on April 25, 2014.

1 16. Substantial grounds for impeachment were left out of the April 25, 2014 petition
2 for the sake of brevity. Hence plaintiff brought a more detailed civil complaint to the San Jose
3 division on June 10. Still acting under judge Chen's order dismissing case C13-04442EMC,
4 deputy clerk Betty Walton assigned the complaint to district judge Beth Labson Freeman for pre-
5 filing review (Case No. C14-80174BLF, "Docket MF").

6 17. As a follow-up to case C14-80174BLF, plaintiff submitted his third petition for
7 impeachment to members of the House Judiciary Committee on July 2, 2014.

8 18. On March 24, 2014, the U.S. Department of Justice ("USDOJ") instituted a
9 criminal action against a certain individual a/k/a "Raymond Chow" and others (Case No. CR14-
10 00196CRB, "Docket CA"). As a second follow-up to case C14-80174BLF, plaintiff moved on
11 July 7 to intervene in case CR14-00196CRB. Doc. No. CA344.

12 19. In response to plaintiff's motion to intervene in case CR14-00196CRB, judge
13 Freeman dismissed case C14-80174BLF on July 8, 2014, before allowing plaintiff to file. Doc.
14 No. MF2.

15 20. On April 9, 2014, USDOJ instituted a criminal action against Zao Hewlett-
16 Packard A.O. ("HP") (Case No. CR14-00201DLJ, "Docket CC"). As another follow-up to case
17 C14-80174BLF, plaintiff moved to intervene in case CR14-00201DLJ as well as to vacate judge
18 Chen's dismissal of case C13-04442EMC on August 5. Doc. No. CC21.

19 21. District judge D. Lowell Jensen denied both the motion to intervene in case
20 CR14-00201DLJ and the motion to vacate order on August 21 without opposition from either
21 USDOJ or the U.S. attorney's office for the northern district of California ("said U.S. attorney's
22 office"). Doc. No. CC22.

23 22. On September 10, 2014, defendant in case CR14-00201DLJ, HP, waived its right
24 to prosecution by indictment and consented to prosecution by information. Doc. No. CC25.

23. Judge Jensen sentenced HP to a \$58,772,250.00 fine and a \$ 1,600.00 special assessment on September 11, 2014, as a result of the September 10 waiver. Doc. No. CC26.

24. On September 25, 2014, U.S. attorney general, Eric H. Holder, Jr., announced his resignation.

25. On October 7, 2014, judge Jensen issued a judgment to justify the September 11 sentence in case CR14-00201DLJ, ¶ 23. Doc. No. CC31.

26. On October 10, 2014, plaintiff submitted his fourth petition for impeachment to members of the House Judicial Committee to replace his third petition for impeachment, ¶ 17.

27. On October 31, 2014, judge Jensen retired from office.

CLAIMS

28. Claim 1 Fabrication: Defendant Ives and defendant Warin signed a waiver of an indictment in case CR14-00201DLJ on September 10, 2014, waiving HP's right to prosecution by indictment and consenting to prosecution by information, ¶ 22. Defendant Ives and defendant Warin signed the waiver to cover up the misconduct originating from said U.S. attorney's office in case C14-80174BLF, thereby violating 18 U.S.C. § 1512(c).

29. **Claim 2 Intimidation:** Defendant Ives and defendant Warin waived HP's right to prosecution by indictment as well as consented to prosecution by information so as to intimidate plaintiff into abandoning case C14-80174BLF. Both defendant Ives and defendant Warin have violated 18 U.S.C. § 1512(b).

REQUEST FOR RELIEF

WHEREFORE, plaintiff respectfully requests that the Court enter judgment against defendants and provide plaintiff the following relief:

- A. A declaratory judgment that defendant Ives and defendant Warin engaged in tampering with federal court records as well as intimidation in case CR14-00201DLJ.
 - B. An Order referring defendant Ives and defendant Warin to the U.S. attorney's office for criminal prosecution.
 - C. Monetary damages in the amount of \$20,000,000.00 against defendant Ives as well as \$10,000,000.00 against defendant Warin.
 - D. Monetary punitive damages due to the criminal offenses committed by defendant Ives and defendant Warin.
 - E. An order to disbar both defendant Ives and defendant Warin from the district court.
 - F. Plaintiff's reasonable costs and expenses of this action in accordance with 42 U.S.C. § 1988 and other applicable law.
 - G. All other further relief to which plaintiff may be entitled.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues for which a right to jury trial exists.

Respectfully submitted this 1st day of June 2015.

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Plaintiff